

**20790. Adulteration of rice. U. S. v. 600 Bags of Rice. Product released under bond. (F. & D. no. 29842. Sample no. 24570-A.)**

This case involved an interstate shipment of rice that was found to contain mouse excreta, weevils, beetles, and larvae.

On February 11, 1933, the United States attorney for the Eastern District of Wisconsin, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 600 bags of rice at Milwaukee, Wis., alleging that the article had been shipped in interstate commerce on or about January 24, 1933, by the Arkansas Rice Co., from Stuttgart, Ark., to Milwaukee, Wis., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "Rice \* \* \* Arkansas Rice Co., Inc., Stuttgart, Arkansas."

It was alleged in the libel that the article was adulterated in that it consisted of a filthy vegetable substance.

On March 3, 1933, the Arkansas Rice Co., Stuttgart, Ark., appeared and petitioned release of the property and executed a bond in the sum of \$500, conditioned that the product would not be disposed of in violation of the Food and Drugs Act or any other law. On March 4, 1933, the court ordered the goods released to the claimant.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20791. Adulteration and misbranding of tomato paste. U. S. v. 88 Cases and 25 Cases of Tomato Paste. Consent decrees of condemnation and forfeiture. Product released under bond. (F. & D. nos. 29763, 29764. Sample nos. 7850-A, 7852-A, 25270-A.)**

These cases involved an article represented to be tomato paste, which consisted of a strained tomato product insufficiently concentrated to be described as tomato paste.

On January 23, 1933, the United States attorney for the District of Puerto Rico, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States libels praying seizure and condemnation of 113 cases of tomato paste. It was alleged in the libels that the article had been shipped into Puerto Rico in two consignments on or about November 9 and December 15, 1932, respectively, by the Pratt-Low Preserving Co., from Santa Clara, Calif., that it was being sold and offered for sale in Puerto Rico by J. Gus Lallande of San Juan, P.R., and Angel Llitas and Bello & Diaz, of Ponce, P.R., and that it was adulterated and misbranded in violation of the Food and Drugs Act. The article was labeled in part: "La Huerta—Pasta De Tomate \* \* \* Pratt-Low Preserving Co., Santa Clara, Cal., U.S.A.—La Huerta, California."

The libels charged that the article was adulterated in that an insufficiently concentrated, strained tomato product had been substituted for tomato paste which the article purported to be.

Misbranding was alleged for the reason that the statement on the label, "Pasta De Tomate", was false and misleading and deceived and misled the purchaser. Misbranding was alleged for the further reason that the article was offered for sale under the distinctive name of another article.

On March 25, 1933, J. Gus Lallande, San Juan, P.R., claimant, having admitted the allegations of the libels and having consented to the entry of decrees, judgments of condemnation and forfeiture were entered, and it was ordered by the court that the product be released to the claimant upon payment of costs and the execution of bonds totaling \$350, conditioned that it be relabeled.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20792. Misbranding of salad oil. U. S. v. 200 Cases of Salad Oil. Consent decree entered. Product released under bond. (F. & D. no. 29662. Sample no. 12028-A.)**

This case involved an interstate shipment of a product, labeled "Olivita Brand Olio", which consisted in large part of cottonseed oil with only a small amount of olive oil present in the article.

On December 21, 1932, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 200 cases of salad oil at Bayonne, N.J., alleging that the article had been shipped in interstate commerce on or about September 16 and September 22, 1932, by the Southern Cotton Oil Co., from Savannah, Ga., to Bayonne, N.J.,

and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: (Can) "Olivita Brand Olio This can contains a delicious, blended salad oil composed of eighty-five percent choice vegetable oil and fifteen percent pure imported virgin Olive Oil Olivita Brand Oil \* \* \* Wesson Oil & Snowdrift Sales Co., New York."

It was alleged in the libel that the article was misbranded in that the designation on the label, "Olivita Brand Olio", was false and misleading and deceived and misled the purchaser, when applied to an oil consisting of a large proportion of cottonseed oil and a small amount of olive oil.

On March 24, 1933, the Wesson Oil & Snowdrift Sales Co., New York, N.Y., claimant, having admitted the allegations of the libel and having consented to the condemnation of the property, judgment was entered ordering that the product be released to the claimant upon payment of costs and the execution of a bond in the sum of \$500, conditioned that it be returned to the factory and removed from the cans, that the cans be destroyed and that the oil should be disposed of only in compliance with the law, State and Federal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20793. Adulteration of strawberry preserves. U. S. v. 93 Cases of Strawberry Preserves. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29772. Sample no. 31042-A.)**

This case involved a quantity of strawberry preserves that were found to be moldy.

On January 21, 1933, the United States attorney for the Northern District of California, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of 93 cases of the said strawberry preserves at San Francisco, Calif., alleging that the article had been shipped in interstate commerce on or about December 27, 1932, by Dyson Shipping Co., from Seattle, Wash., to San Francisco, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: (Jars) "Paragon Brand Strawberry Preserves \* \* \* Packed by Pacific Manufacturing Co., Seattle Wash."

It was alleged in the libel that the article was adulterated in that it consisted wholly or in part of a decomposed vegetable substance.

On March 3, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

R. G. TUGWELL, *Acting Secretary of Agriculture.*

**20794. Adulteration and misbranding of Swiss cheese. U. S. v. 1 Cheese. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29754. Sample no. 33477-A.)**

This case involved an interstate shipment of a product represented to be Swiss cheese and which contained less than 45 percent of butterfat. The standard for Swiss cheese does not recognize a product containing less than 45 percent of fat on a moisture-free basis as Swiss cheese.

On January 16, 1933, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States a libel praying seizure and condemnation of one cheese at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about December 28, 1932, by Arn & Zweifel (Arn & Zweifel Co.), from Monticello, Wis., to Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was part of a shipment invoiced "2 Casks Swiss Cheese", the invoice bearing the further statement, "Swiss Cheese Containing less than 45% Butterfat."

It was alleged in the libel that the article was adulterated in that a substance deficient in fat had been substituted for Swiss cheese, which the article purported to be.

Misbranding was alleged for the reason that the article was offered for sale under the distinctive name of another article, i.e., it was invoiced as "Swiss Cheese", and the standard for Swiss cheese does not recognize a product containing less than 45 percent of fat on the moisture-free basis as Swiss cheese.

On February 25, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed.

R. G. TUGWELL, *Acting Secretary of Agriculture.*